

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

INMAR RX SOLUTIONS, INC.,

Plaintiff,

v.

**PAMELA J. BONDI, in her
official capacity as U.S. Attorney
General, et al.,**

Defendants.

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Civil No. 3:23-cv-2883

**PLAINTIFF INMAR RX SOLUTIONS, INC'S RESPONSE TO
GOVERNMENT'S NOTICE OF CHANGE IN POSITION**

The Government has now conceded that the adjudicative structure in which DEA ALJs exercise substantial executive power and discretionary authority over private parties is unconstitutional. *See* ECF No. 26-1.

The Government nonetheless persists in its argument that there is effectively *no remedy* for this constitutional violation because the burden when seeking injunctive relief requires an elaborate showing of “compensable harm.” *See id.* As Inmar has explained, however, this reasoning cannot be reconciled with the Supreme Court’s recognition in *Axon Enterprise, Inc. v. Federal Trade Commission*, 598 U.S. 175 (2023), that “subjection to an illegitimate proceeding, led by an illegitimate decisionmaker” is an “impossible to remedy,” “here-and-now injury.” *Id.* at 191-192; *see* ECF No. 23-1 at 5-11; ECF No. 21-2 at 35-37. As Inmar has also explained,

severability under these circumstances is not an appropriate remedy because it would require blue-penciling an elaborate scheme of civil service protection specifically crafted by Congress to *ensure* the protections the Government now concedes are unconstitutional. *See* ECF No. 23-1 at 21-26. As a result, this Court should enter an injunction until Congress enacts new legislation or the DEA promulgates new regulations that establish a constitutional administrative tribunal.

Dated: February 25, 2025

Respectfully submitted,

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COUNSEL FOR PLAINTIFF INMAR RX SOLUTIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument is being served on counsel of record in accordance with the Federal Rules of Civil Procedure as of February 25, 2025.

/s/ Ryan J. Meyer

Ryan J. Meyer

CERTIFICATE OF WORD COUNT

I hereby certify that this motion includes 206 words, not including the case caption, signature block, or certificates.

/s/ Ryan J. Meyer

Ryan J. Meyer